

REMARKS

Claims 2, 3, 6, 7, 9, 10, 12, 13, 15, 16, and 18-21 are active in this application. Claims 2 and 3 are amended for clarity. Support for Claims 20 and 21 is found in Claim 4 and the specification as originally filed. No new matter is added by these amendments.

Claims 20-21 are drawn to methods of producing arginine, which were not elected by the Applicants. However, Applicants request that upon finding the elected product claims allowable, the method claims be rejoined in accordance with MPEP §821.04.

Applicants wish to thank Examiner Fronda for the courteous discussion granted to Applicants' undersigned representative on July 30, 2002. During this discussion, various claim amendments were discussed for addressing the current rejections. These amendments are believed to be reflected in the claim amendments submitted herein. Therefore, in light of these amendments, favorable reconsideration of the rejections and allowance of all claims is requested.

The rejections of Claims 1-3 and 5-19 under 35 U.S.C. § 112, first paragraph ("written description" and "enablement") are respectfully traversed.

The independent claim as amended herewith is Claim 2, which recites:

An isolated coryneform bacterium wherein an argR gene on a chromosome of the bacterium is disrupted, and the argR gene has the nucleotide sequence shown in SEQ ID NO:17 or has a nucleotide sequence with a degree of homology that it can homologously recombine with the nucleotide sequence shown in SEQ ID NO:17

There is no question that SEQ ID NO:17 is described in the specification, see, for example, the Sequence Listing.

With respect to the nucleotide sequence with a degree of homology that it can homologously recombine with the nucleotide sequence shown in SEQ ID NO:17, this sequence is also adequately described and enabled in light of the specification and the common knowledge available. As described in the attached publication of Watt et al (*Proc Natl Acad Sci, USA*82:4768-4772 (1985)) 20 or more base pairs of a known sequence is required for homologous recombination of that sequence in, for example, the bacterial chromosome (see, for example, the Abstract of this publication). Clearly, at least 20 nucleotides of SEQ ID NO:17 is described and enabled by the description of SEQ ID NO:17 itself.

Therefore, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph is requested.

The rejection of Claim 1-3 and 5-19 under 35 U.S.C. § 112, second paragraph is believed to be obviated by amendment.

The phrase "normal manner" is no longer present in the claims.

The phrase relating to homologous recombination has been amended for clarity. Further, as noted above, the ability of a sequence to recombine homologously with another sequence is a well-recognized and defined term of art. Therefore, this aspect of the claimed invention is definite under 35 U.S.C. § 112, second paragraph.

Withdrawal of this ground of rejection is requested.

Applicants submit that the application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "OBLON".

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HEREWITH

IN THE CLAIMS

Please amend the claims as follows:

2. (Twice Amended) [The] An isolated coryneform bacterium [according to Claim 1, wherein L-arginine biosynthesis is not repressed by the argR gene in a normal manner due to disruption of the argR gene which] wherein an argR gene on a chromosome of the bacterium is disrupted, and the argR gene has the nucleotide sequence shown in SEQ ID NO:17 or has a nucleotide sequence with [such] a degree of homology that it [should cause homologous recombination] can homologously recombine with the nucleotide sequence shown in SEQ ID NO:17[, and which is on a chromosome of the bacterium].

3.(Twice Amended) The isolated coryneform bacterium according to Claim 2, wherein the argR gene encodes the amino acid sequence shown in SEQ ID NO:18 or an amino acid sequence which is encoded by an argR gene [having such] with a degree of homology that it [should cause homologous recombination] can homologously recombine with the argR gene coding for the amino acid sequence shown in SEQ ID NO:18.

Claims 1, 5, 8, 11, 14, and 17 are canceled.

Claims 20-21 are new